

BOISE, FRIDAY, JUNE 9, 2023 at 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

AZAD HAJI ABDULLAH,

Petitioner-Appellant,

V.

STATE OF IDAHO,

Respondent.

Docket No. 48677

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County, Cheri C. Copsey, District Judge.

Kormanik & Sneed LLP, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This a successive capital post-conviction appeal arising from the summary dismissal of Azad Abdullah’s second successive petition for post-conviction relief. In 2004, Abdullah was convicted and sentenced to death for the first-degree murder of his wife, and given prison sentences for first-degree arson, three counts of attempted first-degree murder, and felony injury to a child. In a consolidated appeal related to his trial and the dismissal of his first petition for post-conviction relief, Abdullah’s convictions and sentences were previously affirmed. *See State v. Abdullah*, 158 Idaho 396, 348 P.3d 1 (2015) (“*Abdullah I*”).

Prior to the release of *Abdullah I*, but after his first post-conviction petition had been dismissed, Abdullah filed a successive petition for post-conviction relief. The dismissal of his successive petition by the district court was later affirmed on appeal. *See Abdullah v. State*, 169 Idaho 711, 503 P.3d 182 (2021) (“*Abdullah II*”). Similarly, prior to the release of *Abdullah II*, but after his successive petition had been dismissed, Abdullah filed a second successive petition for post-conviction relief. In it, Abdullah alleged two claims: (1) the State suppressed material impeachment information pertaining to its lead investigator in violation of his due process rights under *Brady v. Maryland*, 373 U.S. 83 (1963); and (2) ineffective assistance of trial counsel for failure to investigate and discover the impeachment information.

The district court summarily dismissed both claims. Abdullah appeals and argues the district court erred in dismissing his claims because neither are time-barred or otherwise procedurally barred by Idaho Code section 19-2719, and neither claim fails on the merits.